

# INSTRUCTIONS: FORM 5

## Notice of Termination (NOT) of Shared Operational Control for Storm Water Discharges Associated With CONSTRUCTION ACTIVITY Under a NPDES General Permit

<http://www.swc.dnrec.delaware.gov/Pages/SedimentStormwater.aspx>

### WHO MUST FILE A NOTICE OF TERMINATION FORM?

The EPA can authorize any State to operate the NPDES program. Delaware received this authority in April 1974. The 1987 amendments to the Clean Water Act require national regulations to be issued for controlling pollutants entrained in storm water discharges.

Under the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et seq.; the Act), except as provided by Part I.B.3 of the permit, Federal law prohibits discharges of pollutants in storm water from construction activities without a National Pollutant Discharge Elimination System Permit. A General Permit, as defined by federal law in 40 C.F.R. §122.28, authorizes the discharge of storm water associated with industrial activity from sources within a defined area or that share certain similarities.

In 1993, Section 9 (The General Permit Program), of the State of Delaware, Department of Natural Resources and Environmental Control, Regulations Governing the Control of Water Pollution was issued. Subsection 1 of the General Permits Program contains The Regulations Governing Storm Water Discharges Associated with Industrial Activity and are referred to as the "General NPDES Storm Water Permit Program". In order to obtain coverage through the General NPDES Storm Water Permit Program, persons will be required to file with the DNREC a Notice of Intent (NOI). The NOI requirement is in accordance with 40 C.F.R. §122.28(b)(2) of the USEPA NPDES Program. The NOI is the equivalent of an NPDES permit application for General NPDES Storm Water Permit coverage.

When multiple persons maintain operational control of a site, all are considered co-permittees of the site. Any person who maintains operational control on a site in addition to the original permittee, shall complete the Co-Permittee Application form and submit it to the Department in order to be authorized to discharge storm water. Multiple co-permittees are possible for any one site.

General NPDES Storm Water Permit coverage continues until a completed Notice of Termination (NOT) form has been submitted to the Department and it is determined that (1) all items and conditions of the Plan have been satisfied in accordance with the *Delaware Sediment and Stormwater Regulations*, (2) as-built documentation verifies that permanent stormwater management measures have been constructed in accordance with the approved Plan and the *Delaware Sediment and Stormwater Regulations*, and (3) final stabilization has been achieved. Individual co-permittees may terminate permit coverage for their individual portions of the site prior to the overall termination of coverage through submittal of the NOT of Shared Operational Control.

### WHERE TO FILE THE NOT FORM

The NOT form must be submitted to the following address:

DNREC, Division of Soil and Water Conservation  
Sediment and Stormwater Program  
89 Kings Highway  
Dover, Delaware 19901

### COMPLETING THE FORM

Type or print, using uppercase letters, all information on the form. If you have any questions while completing the application form, please call (302) 739-9921.

### SECTION I. PERMIT INFORMATION

Provide the original NOI ID#, date received, and project name as it appeared on the original NOI. This information may be obtained by searching the NOI database available online at the following address: <http://apps.dnrec.state.de.us/noi/searchNoi.aspx>.

### SECTION I. PERMIT INFORMATION (continued)

In addition, provide the county and municipality, if applicable for the project site location.

### SECTION II. CO-PERMITTEE INFORMATION

Provide the legal name, mailing address, telephone number, and fax number of the firm responsible for implementation of the requirements of the Sediment & Stormwater / Storm Water Pollution Prevention Plan. Provide the full name of an individual representative of the owner/operator.

### SECTION III. TERMINATION OF COVERAGE INFORMATION

Enter the co-permittee's construction completion date (the date of which all construction activities controlled by the co-permittee are completed) and certify that (1) all items and conditions of the Plan have been satisfied, (2) as-built documentation, as necessary, has verified that permanent stormwater management measures have been constructed properly, and (3) final stabilization of the site has been achieved. The NOT form should not be submitted until each of those statements may be answered with "Yes".

### SECTION IV. CERTIFICATION

State law provides for severe penalties for submitting false information on this application form. **An unsigned or undated Notice of Termination (NOT) form will not be accepted for termination of permit coverage.**

The form certification shall be signed as follows:

- For a corporation: by a responsible corporate officer which means: (i) president, secretary, treasurer, vice-president of the corporation in charge of a principal business function, or any person who performs similar policy or decision making function, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
- For a partnership or sole proprietorship: by a general partner or the proprietor, or
- For a municipality, state, federal, or other public facility: by either a principal executive officer or ranking elected official.

For Delaware businesses, the form certification shall be signed as follows:

- For a Corporation: by an Authorized Officer (8 Del. C., Chapter 1),
- For a Limited Liability Company: by an Authorized Person (6 Del. C., Chapter 18),
- For a Limited Partnership: by a General Partner (6 Del. C., Chapter 17),
- For a General Partnership: by a Partner or Authorized Person (6 Del. C., Chapter 15),
- For a Limited Liability Partnership: by a Partner or Authorized Person (6 Del. C., Chapter 15), or
- For a Statutory Trust: by a Trustee (12 Del. C., Chapter 38).

Reference the Delaware Code as listed for definitions of the individuals who may sign for the various business entities.



DATE  
RECEIVED: \_\_\_\_\_  
ID #: \_\_\_\_\_

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for Storm Water Discharges Associated With  
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**I. Permit Information**

NOI ID#: \_\_\_\_\_ NOI Date Received: \_\_\_\_\_

NOI Project Name: \_\_\_\_\_

County: \_\_\_\_\_ Municipality: \_\_\_\_\_

Co-Permittee Application Date Received: \_\_\_\_\_

**II. Co-Permittee Information**

Owner/Operator: \_\_\_\_\_

Contact Person Last Name: \_\_\_\_\_

Contact Person First Name: \_\_\_\_\_ MI: \_\_\_\_ Prefix: \_\_\_\_\_ Suffix: \_\_\_\_\_

Mailing Address 1: \_\_\_\_\_

Mailing Address 2: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ --

Telephone: \_\_\_\_\_ FAX: \_\_\_\_\_

**III. Termination of Coverage Information**

Co-Permittee Construction Completion Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Have all items and conditions of the Plan been satisfied in accordance with the *Delaware Sediment and Stormwater Regulations*? \_\_\_\_\_ Yes \_\_\_\_\_ No

Has as-built documentation, as necessary, verified that the permanent stormwater management measures have been constructed in accordance with the approved Plan and the *Delaware Sediment and Stormwater Regulations*? \_\_\_\_\_ Yes \_\_\_\_\_ No

Has final stabilization of the site been achieved? \_\_\_\_\_ Yes \_\_\_\_\_ No



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**IV. Permittee Certification**

**NOTE: SEE INSTRUCTIONS FOR SIGNATURE REQUIREMENTS**

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage this system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I certify under penalty of law that I understand the terms of and conditions of the Delaware National Pollutant Discharge Elimination System (NPDES) Special Conditions for Storm Water Discharges Associated with Construction Activities.

Print Name: \_\_\_\_\_ Print Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Submission of this form serves as a notification for termination of permit coverage for the facility identified on this form under the provisions of The Regulations Governing Stormwater Discharges Associated with Industrial Activity and Part 2 – Special Conditions for Stormwater Discharges Associated with Construction Activities. This form must be complete in order to terminate permit coverage.**